

EXHIBIT 21

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15 Ventures, Inc. and Steve Vachani

16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA

19
20
21 FACEBOOK, INC.,

22 Plaintiff,

23 -against-

24 POWER VENTURES, INC. d/b/a POWER.COM, a
25 California corporation; POWER VENTURES, INC.
26 a Cayman Island Corporation, STEVE VACHANI,
27 an individual; DOE 1, d/b/a POWER.COM, an
28 individual and/or business entity of unknown nature;
DOES 2 through 25, inclusive, individuals and/or
business entities of unknown nature,

Defendants.

Case No. 5:08-cv-05780 JF (RS)

**DEFENDANT POWER VENTURES,
INC.'S RESPONSES TO
FACEBOOK, INC.'S FIRST SET OF
REQUESTS FOR ADMISSIONS**

1 **REQUEST FOR ADMISSION NO. 13:**

2 Admit that after receiving FACEBOOK's December 1, 2008 letter, YOU provided POWER
3 USERS with the means to access the FACEBOOK WEBSITE.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

5 Admitted.

6 **REQUEST FOR ADMISSION NO. 14:**

7 Admit that after receiving FACEBOOK's December 1, 2008 letter, YOU solicited
8 FACEBOOK USER login information, including, but not limited to, user login names, e-mail
9 addresses OR passwords.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

11 Objection vague and ambiguous. Subject to and without waiving these objections, denied.

12 **REQUEST FOR ADMISSION NO. 15:**

13 Admit that after receiving FACEBOOK's December 1, 2008 letter, YOU stored
14 FACEBOOK USER login information, including, but not limited to, user login names, e-mail
15 addresses OR passwords.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

17 Admitted.

18 **REQUEST FOR ADMISSION NO. 16:**

19 Admit that after receiving FACEBOOK's December 1, 2008 letter, YOU used the
20 FACEBOOK WEBSITE for commercial purposes.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

22 Denied.

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24 / / /

1 **REQUEST FOR ADMISSION NO. 17:**

2 Admit that YOU have never entered into a formal advertising agreement with
3 FACEBOOK.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

5 Objection vague and ambiguous. Subject to and without waiving these objections, denied.
6

7 **REQUEST FOR ADMISSION NO. 18:**

8 Admit that YOU developed OR created programming scripts OR language that would
9 provide POWER with an automated mechanism to extract data from the FACEBOOK WEBSITE.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

11 Admitted.
12

13 **REQUEST FOR ADMISSION NO. 19:**

14 Admit that YOU copied OR made use of at least some part, excerpt, OR portion of
15 FACEBOOK's source code to develop, test implement, use OR provide POWER's aggregating
16 services.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

18 Objection compound, vague and ambiguous. Subject to and without waiving these
19 objections, denied.

20 **REQUEST FOR ADMISSION NO. 20:**

21 Admit that after receiving FACEBOOK's December 1, 2008 letter, YOU incorporated
22 FACEBOOK WEBSITE content, DATA, or information into the POWER WEBSITE OR that
23 services located thereon.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

25 Objection compound, vague and ambiguous. Subject to and without waiving these
26 objections, denied.

27 / / /
28

1 **REQUEST FOR ADMISSION NO. 21:**

2 Admit that in or about December 2008, YOU agreed to access the FACEBOOK WEBSITE
3 OR cause others to access the FACEBOOK WEBSITE through means permitted by FACEBOOK.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

5 Admitted.

6 **REQUEST FOR ADMISSION NO. 22:**

7 Admit that after receiving notice that YOUR use of or access to FACEBOOK was not
8 permitted by FACEBOOK, YOU took, copied, OR made use of DATA from the FACEBOOK
9 WEBSITE without FACEBOOK'S permission to do so.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

11 Admitted.

12 **REQUEST FOR ADMISSION NO. 23:**

13 Admit that FACEBOOK implemented technical measures to block YOU from accessing
14 the FACEBOOK WEBSITE through the POWER WEBSITE.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

16 Admitted.

17 **REQUEST FOR ADMISSION NO. 24:**

18 Admit that, in or about December 2008, FACEBOOK blocked YOUR IP address(es) from
19 accessing the FACEBOOK WEBSITE.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

21 Objection compound, vague and ambiguous. Subject to and without waiving these
22 objections, denied.

23 / / /

24 / / /

1 **REQUEST FOR ADMISSION NO. 36:**

2 Admit that after receiving FACEBOOK's December 1, 2008 letter, YOU used or attempted
3 to another person's FACEBOOK WEBSITE account information without authorization from
4 FACEBOOK.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 36:**

6 Objection compound, vague and ambiguous. Subject to and without waiving these
7 objections, denied.

8 **REQUEST FOR ADMISSION NO. 37:**

9 Admit that after receiving FACEBOOK's December 1, 2008 letter, YOU used automated
10 scripts or COMPUTER CODE to collect information from, or otherwise interact with, the
11 FACEBOOK WEBSITE.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 37:**

13 Admitted.

14 **REQUEST FOR ADMISSION NO. 38:**

15 Admit that after receiving FACEBOOK's December 1, 2008 letter, YOU uploaded, posted,
16 OR made available promotional materials OR solicitations on the FACEBOOK WEBSITE.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 38:**

18 Objection compound, vague and ambiguous. Subject to and without waiving these
19 objections, denied.

20 **REQUEST FOR ADMISSION NO. 39:**

21 Admit that on December 26, 2008, Steve Vachani sent an e-mail to Facebook stating
22 YOUR "business decision" to continue accessing or using the FACEBOOK WEBSITE without
23 implementing the Facebook Connect platform.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 39:**

25 Objection vague and ambiguous. Subject to and without waiving these objections, Power
26 admits that Mr. Vachani sent an email to Facebook's counsel on December 26, 2008 stating:

27 Dear Joseph,

28 I am writing to follow up to our discussions regarding Power.com's
integration of Facebook connect, your requests for us to take down

1 our current Power browser compatibility with Facebook, and your
 2 complaints regarding our users storing their Facebook login
 3 information inside the Power Browser. I hope you will pass this letter
 4 on to Sam and other appropriate parties inside of Facebook to
 communicate our sincere desire to diplomatically resolve our current
 disagreement and help you reduce these disagreements with well
 intentioned companies like Power.

5 Power.com is very committed to working with Facebook and we
 6 sincerely hope that this message of diplomacy and good intention is
 7 very clear in this letter. We would like to reiterate that we have made
 8 the decision to make every diplomatic effort possible to cooperate
 9 with Facebook to integrate your Facebook Connect solution on our
 login page. We had originally expected that it would take us 2 weeks
 to complete this integration, but with the holidays and the amount of
 work necessary to complete this integration, we realistically don't
 expect have this new solution fully integrated until January 30th.
 10 After careful consideration and after previously thinking that it
 would better to take Facebook compatibility down while we
 11 implemented this new solution, we have made the business decision
 12 to not prevent the interruption of service to our millions of users
 13 while working closely to make these changes to address Facebook's
 14 concerns. We sincerely hope that while this is not your desired
 15 action, you will respect our reasons for doing this and keep the door
 16 open and approve Power.com inside of Facebook connect when we
 go live in one month. Furthermore, we would like to work with
 Facebook to offer our complete browser tools to users with
 Facebook's consent and input into the user experience.

17 The Power.com browser provides our users value added features
 18 across their Internet experience. Like most browsers, we have little
 19 interest to cause harm to Facebook or reduce Facebook's revenues.
 On the contrary, we are taking proactive steps to pass all Facebook
 20 ads through to the user inside our browser. Similar to Firefox,
 Internet Explorer, Flock, and other browsers and browser add-ons,
 21 we provide our users a browser to navigate and continue to use their
 22 existing sites and do not in any way attempt to obstruct users from
 23 using the sites they are accustomed to using every day. Like most
 24 browsers, we do offer our users the option to either start their
 25 experience on our home page or start on their default social network.

26 Furthermore, we are about to launch a new solution which will pass
 27 Facebook ads inside of all Facebook content which is displayed
 28 outside of Facebook. This is something we can have ready by the end
 of January and which we can also enable for you to offer to other
 development partners whose only desire is to create positive
 applications for Facebook users. We are committed to working with
 the entire industry to responsibly create a borderless web where all
 parties interests are respected when widgets, apps, messages, and

1 other content are distributed outside of Facebook or outside the host
 2 site of any other web publisher.

3 Power strives for complete transparency with our users by providing
 4 them explicit statements on our front page in two different places
 5 about the nature of our application, the fact that we are a value added
 6 browser with no endorsement by other sites, and we also require a
 7 user before using our service to read through and proactively accept
 8 our terms and conditions where we for the third time clarify the users
 9 consent and understanding that we are in no way affiliated with or
 10 endorsed by Facebook.

11 We completely understand Facebook's position to not begin any
 12 business discussions with Power.com until we have become
 13 compliant with Facebook requests. We request that you please
 14 reconsider this decision and enable us to meet with Facebook as early
 15 as possible to diplomatically resolve this issue in a way that will
 16 allow us to keep creating new applications for Facebook and also
 17 help Facebook better accommodate other innovators and application
 18 developers like Power.com who only want to enrich your user's
 19 experiences. We are working to implement this complete solution
 20 with Facebook's cooperation by January 30th and sincerely hope that
 21 you will not misinterpret this delay and our decision to not interrupt
 22 the user experience of our mutual users as our lack of desire to work
 23 together with Facebook.

24 If you maintain that you cannot facilitate a direct meeting, we will
 25 happily use our own contacts to start these discussions with
 26 Facebook, but it is difficult to start these discussions until after the
 27 holidays are over. We have no problem using our own contacts to get
 28 to the appropriate people at Facebook engaged in discussions in
 January to resolve this, but naturally prefer your assistance to speed
 things up.

29 We believe that it would be a serious strategic mistake to disrupt the
 30 experience of the millions of Power.com users while we are
 31 actively working to complete the integration of Facebook connect.
 32 We believe that this would create unnecessary attention and
 33 disruption among users, the media, and the industry around what we
 34 believe is a discussion that can be handled maturely and quietly
 between our companies.

35 I believe that Facebook understands the current challenges as Meebo
 36 and soon thousands of other sites that will connect to Facebook using
 37 open source technology solutions and other user driven solutions that
 38 are not endorsed by Facebook. We respect Facebook's objectives to
 39 create an open Internet which respects and protects users and enables
 40 developers to create new innovations to serve Facebook users. We
 41 think that it is important that we all diplomatically work together to

1 achieve these goals for the best interests of users. The borderless web
 2 is inevitable and we all need to work together to define the best
 3 practices for this new and exciting Internet which Facebook has
 4 already played such a pivotal role in helping create over the past
 5 years.

6 Power.com is very interested in sitting down with Facebook to
 7 discuss together the future of the borderless internet and work to
 8 address all of Facebook's concerns. I am willing to fly to San
 9 Francisco as early as possible to proactively present our solutions or
 10 we are happy to wait until after January 30th when we complete our
 11 integration of Facebook connect on our initial login page.

12 We believe that that your number one concern of protecting a users
 13 username and password will be resolved by our implementation of
 14 Facebook connect or by Facebook using an extension to Facebook
 15 connect that we would like to present to you which would allow
 16 Power and other outside developers maximum flexibility to innovate
 17 on top of Facebook while keeping the users username and password
 18 locked securely and safely outside the reach of Power.com or any
 19 other developer. We are currently supporting and helping introduce a
 20 new industry wide solution that will ensure that sites like Power.com,
 21 Meebo, eBuddy, and thousands of others will never have access or
 22 store Facebook usernames and passwords, but still have the
 23 maximum flexibility to innovate new applications on top of
 24 Facebook and all other sites on the Internet. We all share similar
 25 investors and partners and we are all striving for the same objectives.

26 We believe that Facebook's second concern is the potential loss of
 27 revenues when Facebook content is accessed outside of Facebook.
 28 This coming month, Power.com will be introducing a solution which
 29 will pass all Facebook advertising through with your content that is
 30 displayed outside of Facebook. We are proceeding with this without
 31 being asked in order to further demonstrate our desire to
 32 diplomatically and responsibly address the issues of distributed
 33 content inside of mashed up websites. Power.com has no interest to
 34 interfere or to prevent Facebook from receiving revenue from all its
 35 content and will go out of its way to showcase to the industry how to
 36 responsibly solve this problem. We would welcome the opportunity
 37 to work with you to define these standards together with the leading
 38 sites on the web and introduce these standards together to the
 39 industry and inside of Facebook connect.

40 Finally, as a browser, most of our users experience is actually inside
 41 of Facebook and other destination sites and we do not in any way
 42 prevent users from viewing the entire Facebook experience with all
 43 ads and revenues streams intact.

1 While we understand your current requests to take down the current
2 Facebook compatibility with the Power Brower today, we strongly
3 believe that it is a mistake to disrupt the user experience of our
4 millions of users and create attention around our private discussions.

5 Unlike some other sites that you are dealing with that may truly be
6 causing harm to Facebook, Power.com's only goal is to enable new
7 applications which enhance Facebook's users experience inside your
8 site.

9 Therefore, we diplomatically request that you please grant us an
10 extension until January 30th to work to achieve compliance
11 with Facebook's request and to have time to diplomatically sit down
12 with Facebook to present solutions that will assist you in dealing
13 with these core issues not only with Power.com, but with the
14 hundreds of other well intentioned developers who are only looking
15 to create new innovations for Facebook, but who do not yet have the
16 flexibility from Facebook to support their innovations. The
17 floodgates are about to open and we would love to work proactively
18 to solve these challenges together.

19 We sincerely hope you respect our decision on this and look forward
20 to building a healthy and diplomatic dialogue with Facebook to
21 address your true concerns of protecting your users. And we
22 apologize for the lack of clarity on our position until today and for
23 any confusion we may have created from this lack of clarity.
24 Facebook's initial strong reaction did catch us off guard and after
25 careful consideration, we have crafted this letter to make clear our
26 position and desire and commitment to work together.

27 Best Regards,

28 Steve Vachani

1 CEO, Power.com

2 **REQUEST FOR ADMISSION NO. 40:**

3 Admit that on December 15, 2008, YOU received an e-mail from FACEBOOK's legal
4 counsel indicating that FACEBOOK had implemented "technical measures to limit the interaction
5 between Power.com and its network." Dkt. No. 56 at Ex. A.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 40:**

7 Admitted.

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1 **REQUEST FOR ADMISSION NO. 41:**

2 Admit that, between January 1, 2008 and present date, YOU displayed the FACEBOOK
3 name OR logo on the POWER WEBSITE.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 41:**

5 Objection compound vague and ambiguous. Subject to and without waiving these
6 objections, Power admits that it used the word Facebook on its website.

7 **REQUEST FOR ADMISSION NO. 42:**

8 Admit that on or before December 26, 2008, YOU began a “Launch Promotion” that
9 promised POWER USERS the chance to win one hundred dollars if they successfully invited AND
10 signed up new POWER USERS.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 42:**

12 Admitted.

13 **REQUEST FOR ADMISSION NO. 43:**

14 Admit that as part of the “Launch Promotion” described in Request for Admission No. 42,
15 YOU provided POWER USERS with a list of their FACEBOOK friends that might be solicited to
16 take part in the “Launch Promotion.”

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 43:**

18 Admitted.

19 **REQUEST FOR ADMISSION NO. 44:**

20 Admit that as part of the “Launch Promotion” described in Request for Admission No. 42,
21 YOU requested that POWER USERS’ select which of their FACEBOOK friends should receive an
22 invitation to the “Launch Promotion” event.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 44:**

24 Admitted.

25 **REQUEST FOR ADMISSION NO. 45:**

26 Admit that as part of the “Launch Promotion” described in Request for Admission No. 42,
27 YOU created a FACEBOOK event titled, “Bring 100 friends and win 100 bucks!” scheduled for
28 March 20, 2009 at 1 a.m.

1 **REQUEST FOR ADMISSION NO. 50:**

2 Admit that the “Launch Promotion” invitation described in Paragraphs 65 through 70 of
3 Facebook’s First Amended Complaint against YOU (Dkt. No. 9) does not contain a valid e-mail
4 address, by which recipients of the invitation could contact YOU.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 50:**

6 Admitted.

7 **REQUEST FOR ADMISSION NO. 51:**

8 Admit that between January 1, 2008 and present date, YOU stored, saved, or otherwise
9 retained FACEBOOK user log-in information, such as user names and/or passwords.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 51:**

11 Admitted.

12 **REQUEST FOR ADMISSION NO. 52:**

13 Admit that in an e-mail dated December 12, 2008, 1:24 p.m., YOU wrote that YOU “will
14 delete any Facebook friend information we currently have.”

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 52:**

16 Admitted.

17 **REQUEST FOR ADMISSION NO. 53:**

18 Admit that in an e-mail dated December 15, 2008, 5:01 p.m., FACEBOOK, by and through
19 its counsel, wrote to YOU: “Meanwhile as you may know, Facebook has taken technical measure
20 to limit the interaction between Power.com and its network at this time. In order to fully initialize
21 your integrated Facebook Connect status, and to lift those technical measures, Facebook requires
22 written confirmation of the following: 1. That Power has purged and destroyed all data that it
23 obtained from the Facebook network or from Facebook users prior to implementation of Facebook
24 Connect including all login information and/or any other data obtained or scraped from Facebook’s
25 website.”

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 53:**

27 Admitted.

28 / / /

1 **REQUEST FOR ADMISSION NO. 54:**

2 Admit that, between December 1, 2008 and February 1, 2008, YOU did not delete the
3 "Facebook friend information" in YOUR possession.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 54:**

5 Admitted.

6 **REQUEST FOR ADMISSION NO. 55:**

7 Admit that, to present date, you have not deleted, purged or destroyed all data that YOU
8 obtained from the FACEBOOK network.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 55:**

10 Admitted.

11 **REQUEST FOR ADMISSION NO. 56:**

12 Admit that, to present date, you have not deleted, purged or destroyed all FACEBOOK
13 login information obtained from POWER users, including, but not limited to, FACEBOOK user
14 names and/or passwords.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 56:**

16 Admitted.

17 Dated: December 15, 2010

18 BRAMSON, PLUTZIK, MAHLER &
19 BIRKHAEUSER, LLP

20 By _____/s/
21 L. Timothy Fisher

22 Alan R. Plutzik (State Bar No. 77785)
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